



STATE OF NEW YORK

UNEMPLOYMENT INSURANCE APPEAL BOARD

PO Box 15126

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DECISION OF THE BOARD

Mailed and Filed: NOVEMBER 02, 2022

IN THE MATTER OF:

Appeal Board No. 624202

PRESENT: MARILYN P. O'MARA, JUNE F. O'NEILL, MEMBERS

The Department of Labor issued the initial determination holding the claimant eligible to receive benefits. The employer requested a hearing and objected contending that the claimant should be disqualified from receiving benefits because the claimant voluntarily separated from employment without good cause.

The Administrative Law Judge held a hearing at which all parties were accorded a full opportunity to be heard and at which testimony was taken. There were appearances by the claimant and on behalf of the employer. By decision filed June 10, 2022 (), the Administrative Law Judge overruled the employer's objection and sustained the initial determination.

The employer appealed the Judge's decision to the Appeal Board.

Based on the record and testimony in this case, the Board makes the following

FINDINGS OF FACT: The claimant worked for the employer, NYC Administration for children services, as a child protective specialist from November 17, 2019 until February 14, 2022. The claimant worked from 9:00 am to 5:00 pm. The claimant was a member of a union.

Prior to the claimant's separation from employment, the claimant became increasingly overwhelmed

and stressed due to her work environment. At a certain point, the claimant contracted COVID-19 and was out of work. Upon her return, the claimant learned that four of her coworkers had left. Thereafter, the claimant's caseload

increased due to the staffing shortage. The claimant made appointments to speak with her therapist, but she had no time to go to appointments and she was not able to speak to the therapist prior to quitting.

The claimant expressed her concerns to her supervisor about her work conditions. The claimant's supervisor advised the claimant to consider transferring to the CARES unit, to see if it was a better fit for her. The claimant spoke to two employees in that unit that were about to leave their jobs. They told the claimant that the work was slightly different from the work she was already performing. They also informed her that she would be performing the same amount work and her caseload would remain unchanged. The claimant did not try working in the CARES unit to find out if she could handle the job.

On February 3, 2022, the claimant submitted her resignation, indicating that her last day would be February 17, 2022. She only worked for the employer until the February 14, 2022, because she felt she could not handle the job any longer. She was not advised by a medical professional to quit her job.

OPINION: The credible evidence establishes that the claimant voluntarily quit her employment because she was stressed and overwhelmed by higher caseloads as a result of a shortage of employees. Although the claimant spoke to two employees in the CARES unit to ask about the workload, the claimant did not try working in that unit to see if the type of work might relieve her issues. We also note that the claimant was not advised by a physician to quit her job. While the claimant provided a letter from the therapist to support her contention that the stress from the job was having an adverse effect on her health, the letter was written after the claimant had already resigned from her position. As she was not advised by a medical professional to leave her job and she did not take adequate steps to preserve her employment, the claimant has failed to establish good cause for quitting her job. Her employment ended under disqualifying conditions.

DECISION: The decision of the Administrative Law Judge is reversed.

The employer's objection, that the claimant should be disqualified from receiving benefits because the claimant voluntarily separated from employment without good cause, is sustained, effective February 15, 2022.

The initial determination, holding the claimant eligible to receive benefits,

is overruled.

The claimant is disqualified from receiving benefits, effective February 15, 2022, until the claimant has subsequently worked in employment and earned remuneration at least equal to 5 times the claimant's weekly benefit rate for all claims filed on or before January 1, 2014, or until the claimant has subsequently worked in employment and earned remuneration at least equal to 10 times the claimant's weekly benefit rate for all claims filed after January 1, 2014. Employment and earnings from non-covered, excluded or self-employment will not count.

The claimant is denied benefits with respect to the issues decided herein.

MARILYN P. O'MARA, MEMBER

JUNE F. O'NEILL, MEMBER